IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 17358 of 2003

Between:

Kotla Jagan Mohan, S/o.Venkata Narayana,
R/o.Chittipally Village, Amangal Mandal,
Mahaboobnagar Dist.

..... PETITIONER

AND

1 The Dist.Collector, Mahabubnagar Dist., Mahbubnagar.
2 The A.P.Khadi & Village Industries Board Hyderabad,
rep.by Chief Executive Officer.
3 The A.P.Khadi & Village Industries Board District Office,
Mahabubnagar Dist., rep.by its Functional Manager.
4 I.Venkataiah, S/o.I.Anjaiah,
R/o.Chittipally (V), Amangal Mandal,
Mahabubnagar Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction or writ more particularly one in the nature of writ of mandamus declaring the action of the respondents in issuing auction notice dt.24-7-2003 and 20-8-2003 is wholly illegal, arbitrary and unjust and consequently set aside the auction notice to be conducted on 24-7-2003 and 20-8-2003 issued by the 3rd respondent.

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondents No. 1 to 3 : SC for Khadi Board.

Counsel for the Respondent No.4 : Mr.K.Janakirami Reddy .

The Court made the following :

ORDER:

Heard both sides and at their request the main writ petition itself is taken up for disposal.

The petitioner herein seeks to assail by way of a writ of Mandamus, the action of the respondent herein in conducting auction as per the notice dated 24-07-2003 and 20-08-2003.

Though several contentions have been urged across the Bar, the fact remains that the petitioner has taken loan and in view of the drought condition, he could not possibly pay the same and therefore, he wants revival in this connection. The petitioner has already filed a representation dated 23-07-2003 and the same is still pending. Therefore, it is not necessary to go into the merits of the claim.

The writ petition is accordingly disposed of directing the respondents to consider the said representation and pass orders within a period of one month from the date of receipt of a copy of the order and till that time no action shall be taken in pursuance of the impugned notice.

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19-07-2004

vs

To

1 The Dist.Collector, Mahabubnagar Dist.,Mahabubnagar.
2 The Chief Executive officer,A.P.Khadi & Village Industries

Board Hyderabad,

3. The Functional Manager,A.P.Khadi & Village Industries

Board District Office, Mahabubnagar Dist.

4 Two CD copies.